

Washington, Saturday, January 1, 1955

TITLE 5—ADMINISTRATIVE **PERSONNEL**

Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FED-ERAL REGISTER, paragraph (i) (1) of § 6.103 is amended as set out below.

§ 6.103 Treasury Department. * * * (i) United States Savings Bonds Division. * * *

(1) Until June 30, 1955, positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

> United States Civil Serv-ICE COMMISSION,

[SEAL]

WM. C. HULL.

Executive Assistant.

[F R. Doc. 54-10458; Filed, Dec. 31, 1954; 8:52 a. m.]

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the Feb-ERAL REGISTER, paragraph (g) of § 6.157 is revoked and paragraph (n) is added to § 6.357 as set out below.

§ 6.357 Federal Civil Defense Administration. * * *

(n) One Assistant Administrator, Inspection.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERV-ICE COMMISSION, WM. C. Hull, Executive Assistant.

[F R. Doc. 54-10459; Filed, Dec. 31, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-212-A9]

PART 907-MILK IN THE MILWAUKEE, WIS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing. Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices

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specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified, in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making effective not later than January 1, 1955, this order amending the order, as amended. This action is necessary in the public interest to reflect the current marketing conditions. Accordingly any delay in the effective date of this order beyond the aforesaid date will seriously impair the orderly marketing of milk in the Milwaukee, Wisconsin, marketing area. The provisions of the said amendatory order are well known to handlers, a public hearing having been held on December 15, 1954, and a decision having been issued on December 23, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Milwaukee, Wisconsin, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

- (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act:
- (2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area, and
- (3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (October 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, is hereby further amended, is hereby further amended as follows:

1. In § 907.51 delete paragraph (a) and substitute:

(a) Class I Milk. The price for Class I milk shall be the basic formula price plus the following amounts as indicated: August through November, inclusive, \$1.06, March through June, inclusive, \$0.66; and \$0.86 in other months: Provided, That such Class I price differential shall be increased or decreased, respectively 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of December 1954, to be effective on and after the 1st day of January 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F R. Doc. 54-10430; Filed, Dec. 31, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I-Civil Aeronautics Board

Subchapter A—Civil Air Regulations
/ (Supp. 31

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is to (1) correct the engine test methods in §§ 1.15-5 (e) and 1.34-1 (g) (3) (2) change the time that inspection records must be retained by the manufacturer from one year to two years; and (3) extend to designees of manufacturers operating under the terms of a type certificate only, the authority to inspect and approve the manufacturer's product as complying with the design data. An editorial correction is made to § 1.34-1 (h) by supplying the words, "helicopters and" which were inadvertently omitted.

The following sections of Part 1 as published in 19 F R. 7078, 7079, and 7080, on October 30, 1954, are amended as follows:

1. Section 1.15-1 is amended by deleting the words, "CAA Aviation Safety Agent" wherever they appear and inserting in lieu thereof the words, "CAA representative"

2. Section 1.15-2 (a) and (b), (1) is amended by substituting the words, "CAA representative" for the words, "CAA Aviation Safety Agent" wherever they appear and § 1.15-2 (b) (2) is amended by substituting the words, "CAA representative" for the words, "an agent of the CAA"

3. Section 1.15-5 (e) is amended by changing the third sentence to read, "These tests may be conducted with the engine appropriately mounted and utilizing current types of power and/or thrust measuring equipment (i. e., integral torque meter, thrust meter, dynamometer, calibrated test club or propeller, reaction stand, etc.)"

4. The first sentence of § 1.34-1 (b) (4) is amended by changing the words, "one year" to "two years"

5. Section 1.34-1 (g) (3) is amended by changing the second sentence to read, "These tests may be conducted with the engine appropriately mounted and utilizing current types of power and/or thrust measuring equipment (i. e., integral torque meter, thrust meter, dynamometer, calibrated test club or propeller, reaction stand, etc.)"

6. Section 1.34-1 (h) is amended by changing the second sentence to read: "This procedure applies only to newly manufactured aircraft (except helicopters and transport category aircraft) which are produced under the terms of a production certificate."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553).

This supplement shall become effective January 31, 1954.

[SEAL] F B. LEE,

Administrator of Civil Aeronautics.

[F R. Doc. 54-10421; Filed, Dec. 31, 1954; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146c—CERTIFICATION OF CHLORTET-RACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACY-CLINE-) CONTAINING DRUGS

POTENCY OF TETRACYCLINE HYDROCHLORIDE ORAL SUSPENSION

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389 sec. 701, 52 Stat. 1055, 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for the certification of tetracycline hydrochloride oral suspension, § 146c.222 (19 F R. 4279) are amended by changing the potency requirement in paragraph (a) from "50 milligrams" to "25 milligrams"

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for this amendment.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date; and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 28, 1954.

[SEAL] BRADSHAW MINTENER,
Acting Secretary.

[F R. Doc. 54-10446; Filed, Dec. 31, 1954; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C-Mutual Mortgage Insurance and
Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

MISCELLANEOUS AMENDMENTS

1. In § 222.13 (a) (1) the first sentence is amended to read as follows:

§ 222.13 Condition of property when transferred, delivery of debentures and certificate of claim. (a) * * *

(1) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2¾ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after August 9, 1954, and prior to September 1, 1954, and at the rate of 2½ percent per annum if issued in exchange for property accepted for

insurance pursuant to commitments issued by the Commissioner on or after September 1, 1954, and endorsed for insurance prior to January 1, 1955, and at the rate of 2% percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued on or after September 1, 1954, and endorsed for insurance on or after January 1, 1955, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the act.

* * * * * * (Sec. 211, 52 Stat, 23; 12 U. S. C. 1715b)

2. Section 222.14 (e) is amended to include a subparagraph (11) reading as follows:

§ 222.14 Satisfactory title evidence.

(e) * * *

(11) Violations of cost or set back restrictions which do not provide a penalty of reversion or forfeiture of title, or a lien for liquidated damages which may be superior to the lien of the insured mortgage. Violations of such restrictions which do provide for such penalties, provided such penalty rights have been duly released or subordinated to the lien of the insured mortgage, or provided a policy of title insurance is furnished expressly insuring the Commissioner against loss by reason of such penalties.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

INSURANCE BENEFITS

In § 233.9 (a) (1) the second sentence is amended to read as follows:

§ 233.9 Insurance benefits. (a) * * * (1) * * * Such debentures shall be issued as of the date the mortgage became in default and shall bear interest from such date at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to January 1, 1955, and at the rate of 2% percent per annum in the case of mortgages endorsed for insurance on or after January 1, 1955, payable semiannually on the first day of January and the first day of July of each year, shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter N—National Defense Housing

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

CONDITION OF PROPERTY WHEN TRANS-FERRED; DELIVERY OF DEBENTURES AND CERTIFICATES OF CLAIM

In § 295.11 (a) (1) the first sentence is amended to read as follows:

§ 295.11 Condition of property when transferred, delivery of debentures and certificates of claim. (a) * * *

(1) Debentures of the National Defense Housing Insurance Fund as set forth in section 904 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 21/2 percent per annum in the case of mortgages endorsed for insurance prior to July 8, 1953, and at the rate of 234 percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954 and endorsed for insurance prior to January 1, 1955, and at the rate of 25% percent per annum in the case of mortgages endorsed for insurance on or after January 1, 1955, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 904 (a) of the act. .

(Sec. 907, 65 Stat. 301; 12 U. S. C. 1750f)

Issued at Washington, D. C., December 29, 1954.

NORMAN P MASON, Federal Housing Commissioner

[F R. Doc. 54-10467; Filed, Dec. 31, 1954; 8:52 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A-Bureau of Accounts

PART 281—PURCHASE, CUSTODY, TRANSFER AND SALE OF FOREIGN EXCHANGE BY EXECUTIVE DEPARTMENTS AND AGENCIES OF THE UNITED STATES

APPLICABILITY TO CURRENCIES RECEIVED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Part 281, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 930, dated October 19, 1953) is hereby amended by adding thereto the following new § 281.10:

§ 281.10 Applicability to currencies received under the Agricultural Trade

Development and Assistance Act of 1954. By virtue of the authority vested in the Secretary of the Treasury by section 4 (b) of Executive Order No. 10560, dated September 9, 1954, 19 F R. 5927, the regulations in this part and instructions issued thereunder shall, except as provided herein, apply to the purchase, custody deposit, transfer and sale of all foreign currencies received by executive departments and agencies of the United States under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, approved July 10, 1954, 68 Stat. 454) Collections under the act shall be deposited only with United. States disbursing officers who are employees of the Department of State operating under delegation from the Chief Disbursing Officer of the Treasury Department.

(E. O. 10560, 19 F R. 5927)

DECEMBER 28, 1954.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F R. Doc. 54-10445; Filed, Dec. 31, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce

Subchapter A—General Rules and Regulations

[S. O. 897, Amdt. 1]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December A. D. 1954.

Upon further consideration of Service Order No. 897 (19 F R. 3762) and good cause appearing therefor It is ordered, That:

Section 97.897 Service Order No. 897 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p. m., June 30, 1955, unless otherwise modified; changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., December 31, 1954.

It is further ordered, That copies of this order and direction shall be served upon the Nebraska State Railway Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379,

as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10440; Filed, Dec. 31, 1954; 8:49 a. m.]

Subchapter B—Carriers by Motor Vehicle
PART 205—Reports of Motor Carriers

QUARTERLY REPORT OF PROPERTY REVENUES, EXPENSES AND STATISTICS

At a session of the Interstate Com-

merce Commission, division 1, held at its office in Washington, D. C., on the 19th day of October A. D. 1954.

The matter of periodical reports to be

The matter of periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320) and

It appearing that, after reconsideration of the matter of reporting the total man-hours actually worked by drivers and helpers and of representations filed by interested parties in response to a notice dated June 11, 1954, the Commission found that reports filed by Class I common and contract motor carriers of property should include such information in addition to the total man-hours paid for, as now required and notice dated October 4, 1954, to that effect was issued to the carriers.

It is ordered, That the order of November 19, 1952, in the matter of quarterly reports for Class I motor carriers of property be, and it is hereby vacated and set aside; and,

It is further ordered, That:

§ 205.12 Quarterly Report of Property Revenues, Expenses and Statistics. Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file duly verified quarterly reports commencing with the period January 1, 1955 to March 31, 1955 (both dates inclusive) in accordance with the Quarterly Report of Revenues, Expenses and Statistics for Class I Motor Carriers of Property form, including the reporting of total man-hours actually worked by drivers and helpers in Report of Man-Hours Paid for and

Compensation of Drivers and Helpers, which is hereby approved and made a part of this order. Quarterly reports shall be forwarded, in triplicate, to the office of the Bureau of Motor Carriers of the Interstate Commerce Commission for the district in which the carrier is domiciled within thirty days after the close of the period to which they relate; and, (49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

Notice. A copy of this order shall be served on each Class I motor carrier of property subject to the Act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10441; Filed, Dec. 31, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division
[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

NOTICE OF PUBLIC HEARING ON DETERMINA-TION OF PREVAILING MINIMUM WAGES FOR BITUMINOUS COAL INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (40 Stat. 2036; 41 U. S. C. 35) as amended by the Defense Production Act Amendments of 1952 (Sec. 310, P L. 429, 82d Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," and known as the Walsh-Healey Public Contracts Act.

The United Mine Workers, the Pittsburgh Consolidation Coal Company and the Pocahontas Fuel Company submitted a petition dated December 15, 1954 for the determination of prevailing minimum wages for persons employed in the Bituminous Coal Industry in the performance of contracts with agencies of the United States Government subject to the act.

The petitioners contend that the minimum wages predominantly paid in each area, computed on a portal-to-portal basis, are as follows:

(1) Area A. \$2.245 per hour, in the area consisting of the States of Pennsylvania, Michigan, Ohio, Maryland, West Virginia, Virginia, Tennessee except the counties listed in Area D, Illinois, and Kentucky except the counties listed in Area C.

(2) Area B: \$2.28 per hour in the area consisting of the State of Indiana.

(3) Area C: \$2.09 per hour in the area consisting of the following counties in Western Kentucky Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren and Webster.

(4) Area D: \$2.015 per hour in the area consisting of the State of Alabama and the following counties in southern Tennessee: Bledsoe, Grundy, Hamilton, Marion, McMinn, Rhea, Sequatchie, Van Buren, Warren, and White.

(5) Area E: \$2.09 per hour in the area consisting of the States of Arkansas, Iowa, Kansas, Missouri, and Oklahoma,

Iowa, Kansas, Missouri, and Oklahoma.

(6) Area F. \$2.296 per hour in the area consisting of the States of Colorado and New Mexico.

(7) Area G: \$2.226 per hour in the area consisting of the State of North

(8) Area H. \$2.346 per hour in the area consisting of the State of Montana.

(9) Area I. \$2.32 per hour in the area consisting of the States of Utah and Wyoming.

(10) Area J \$2.235 per hour in the area consisting of the State of Washington.

It is proposed by petitioners that the Bituminous Coal Industry be defined as that industry which produces or furnishes all coal except Pennsylvania anthracite.

Now, therefore, notice is hereby given: That a public hearing will be held on Tuesday, February 1, 1955, at 10:00 a.m., Archives Auditorium, 8th Street and Pennsylvania Avenue NW., Washington,

D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested persons may appear and submit data, views, and argument (1) as to what are the prevailing minimum wages in the Bituminous Coal Industry (2) as to the propriety of the proposed definition of this industry and (3) as to whether a single determination applicable for all of the area in which the industry operates, or a separate determination for each of several different smaller geographical areas (including the appropriate limits of such areas) should be determined for this industry.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail with the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The number of workers covered in the presentation; (2) the number and location of establishments and annual tonnage of coal produced; (3) minimum wages paid and the number of workers receiving such wages and the occupations in which these workers are found; and (4) the extent to which there is competition in this industry be-

Filed as part of the original document.

tween different plants in different geographical areas.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant, or a company by company basis.

Signed at Washington, D. C., this 30th day of December 1954.

> ARTHUR LARSON, Acting Secretary of Labor

[F R. Doc. 54-10465; Filed, Dec. 31, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGIS-TERED ON NATIONAL SECURITIES EX-CHANGES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to Form 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934.

It is proposed to amend Instruction 8 of The Instructions as to Financial Statements in Form 10-K to provide an exemption from the requirements that financial statements must be certified to registrants not in production provided certain tests are met.

It is also proposed to amend General Instruction F and Item 2 to require an express statement in Form 10-K that no annual report has been submitted to stockholders, where such is the case, in lieu of the present indefinite requirement that the Commission be informed but without specifying the manner in which this should be done.

Instruction 8 of the Instructions as to Financial Statements would be amended to read as follows:

- 8. Registrants not in the production stage. (a) Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A-01 (§ 210.5a-01) of Regulation S-X, the following statements, all of which shall be certified except as provided in (b) below, shall be filed for the registrant and each of its significant subsidiaries, if any
- (i) The statements specified in Rules 5A-02, 5A-03, 5A-04, 5A-05 and 5A-07 (§§ 210.5a-02, 2.10 5 a - 03, 210.5a-04, 210.5a-05 and 210.5a-07) shall be filed as of the end of the fiscal year,
- (ii) The statement of cash receipts and disbursements specified in Rule 5A-06 (§ 210.5a-06) shall be filed for the fiscal year.
- (b) The financial statements prescribed in (a) above need not be certified if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any
- (i) Gross receipts from all sources for the fiscal year are not in excess of \$5,000.
- (ii) The registrant has not purchased or sold any of its own stock, granted options therefor, or levied assessments upon outstanding stock,
- (iii) Expenditures for all purposes for the fiscal year are not in excess of \$5,000,

(iv) No material change in the business has occurred during the fiscal year. including any bankruptcy, reorganization, readjustment or succession or any material acquisition or disposition of plants, mines, mining equipment, mining rights or leases,

(v) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, certified financial statements.

The last sentence of General Instruction F would be amended to read as follows: "If no annual report was submitted to stockholders for the registrant's last fiscal year, so state under Item 2 of the annual report on Form 10-K."

Item 2 would be amended by adding at the end thereof an Instruction reading as follows:

Instruction. If no annual report was submitted to stockholders for the registrant's last fiscal year, so state immediately following the table.

All interested persons are invited to submit data, views and comments on the above proposal, in writing, to the Securities and Exchange Commission at its principal office, Washington 25, D. C., on or before January 11, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

DECEMBER 20. 1954.

[F R. Doc. 54-10426; Filed, Dec. 31, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 90

DECEMBER 10. 1954.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609. 43 U. S. C. 682a) as amended, and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District, are hereby classified as chiefly valuable for residence and business site purposes, as hereinafter indi-cated, for lease and sale under the Small Tract Act of June 1, 1938, supra.

KETCHIKAN AREA

SURVEY POINT SMALL TRACT GROUP For Lease and Sale

For Residence Sites

U. S. Survey 3275:

Lots 185, 186, 187-200 inclusive. Lots 203, 204. \

Comprising 18 tracts, aggregating 41.35

For Lease and Sale For Business Sites

U. S. Survey 3275: Lot 185 B.

Comprising 1 tract, aggregating 3.37 acres.

2. Subject to valid existing rights, the following described lands, which are located in the Anchorage, Alaska, Land District and which were classified in paragraph (1) appear from the Land Office records to be subject to valid existing rights based upon prior occupancy pursuant to permits issued heretofore by the Forest Service, U. S. Department of Agriculture: U. S. Survey 3275; lots 185B, 187, 188, 199 and 200 comprising 5 tracts, aggregating 14.16 acres.

As to these lands, a preference right will be accorded to the respective occupants thereof who, prior to elimination of these lands from the Tongass National Forest, were holders of permits issued by the Forest Service. Such persons may file their preference right application for these lands during the period as designated for priority Category 1, below.

All of the lands described in paragraphs 1 and 2, preceding, are located in the Ketchikan Area, being situated approximately 15 miles northwest of Ketchikan, Alaska and approximately 8

miles northwest of Wards Cove which is the site of the new pulp mill. The area is located on a point of land which separates the Tongass Narrows from Clover Passage and protrudes into Behm Canal. Most of the lots front upon either Clover Passage or the Behm Canal. All command an exceptional view of the latter.

None of the lots contain frontage on any existing road, however, the area is served by the North Point Higgins Road which terminates on one of the subject lots. Access can be gained to these lots by boat, however, the beach is rocky in some places and the land rises abruptly from the water.

Vegetative cover consists mainly of spruce, hemlock, cedar, and a dense understory of shrubs and native bushes. Soil is thin with many rock out-croppings. The land is considered to be non-agricultural.

The area is not now served with electric power or telephone facilities. A church and a grade school are located in the Clover Pass area with the nearest store being approximately 6 miles distant. Other facilities are available at Ketchikan.

Climatically the area is similar to most of Southeast Alaska, with cool, moist summers, moderate winters, and a heavy annual precipitation. Sewage disposal can be accomplished through septic tanks or cesspools, and drinking water can be obtained from wells, streams, or by use of rainwater storage devices.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938,

cited above until 10:00 a. m. on January 14, 1955 which is the 35th day after the date of the signing of the order except that the lands are now open to application, petition, location, or selection under applicable laws, subject to valid existing rights, the requirements for classification, and withdrawal limitations. Pursuant to law preference in consideration of competing applications will be granted as follows:

Priority category	Preferred applicant	Types of application	Priority period closing dates (all days start at 10 a. m.)	How competing applica- tions will be considered
1	Holders of individual preference rights based on valid settlement, statutory preference, or equitable claims,	Small tract,	126 days from date of this no- tice or until close of business on Apr. 14, 1955.	Priority of right.
2	Veterans of World War II and of the Korean Conflict, and other boneficaries of the act of Sept. 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended.	do	35 days from date of this order up to and including 10 a, m, on Jan. 14, 1955.	Simultaneous filing period, drawing at close of period, on date specified.
3	amended.	do	91 days from the end of the second priority period being the close of business on Apr. 14, 1955.	Order of filing during the priority period.
4	Any other qualified person	do	126 days from date of this no- tice being the close of busi- ness on Apr. 14, 1955.	Drawing at close of the priority period.
5	Any qualified person	do	Any time after the end of the fourth priority period.	Order of filing.

Persons claiming veterans' preference rights under Priority Categories 2 and 3 must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations, Part 257.

Inquiries concerning these lands and applications for them shall be addressed to: Manager, Anchorage Land Office, Anchorage, Alaska.

- 4. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of \$5 for residence sites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases: Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.
- 5. All of the land will be leased in tracts varying in size from approximately 1.40 acre to approximately 4.92 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. The tracts are ap-

praised at prices ranging from \$125 to \$350.

- 6. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.
- 7. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory County or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

LOWELL M. PUCKETT,
Area Administrator

[F R. Doc. 54-10422; Filed, Dec. 31, 1954; 8:45 a. m.]

Bureau of Reclamation

[No. 13]

GILA IRRIGATION PROJECT, ARIZONA, WELLTON-MOHAWK DIVISION.

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

DECEMBER 22, 1954.

- 1. Water rental. Irrigation water will be furnished during calendar year 1955 under approved Applications for Irrigation Water to lands in the Wellton-Mohawk Division which have not yet been included in irrigation blocks established under the authority of the Secretary of the Interior.
- 2. Charges and terms of payment. Water rental charges shall be payable in advance of the delivery and/or taking of water at rates as follows:

- (a) Lands for which water service requested before July 1, 1955-(i) Old lands. For lands irrigated with project water prior to November 1, 1954, for which water is requested prior to July 1, 1955, the minimum charge shall be \$11.50 per acre for each acre of land for which water is requested during 1955, payment of which will entitle the applicant to four acre-feet of water per acre. Additional water will be furnished at the rate of \$3.00 per acre-foot for those lands designated as "Valley" lands on Drawing No. 50-303-5071 on file in the Office of the Chief, Operations Division, Yuma Projects Office, Yuma, Arizona, and for those lands designated as "Mesa" lands on said drawing at the rate of \$1.00 per acre-foot for the first six acre-feet of additional water per acre, and thereafter at the rate of \$3.00 per acre-foot.
- (ii) New lands. For lands not irrigated with project water prior to November 1, 1954, for which water is requested prior to July 1, 1955, the minimum charge shall be \$11.50 per acre for each acre of land for which water is requested during 1955, payment of which will entitle the applicant to five acre-feet of water per acre. Additional water will be furnished at the rate of \$3.00 per acre-foot for those lands designated as "Valley" lands on Drawing 50-303-5071 mentioned above, and for those lands designated as "Mesa" lands on said drawing at the rate of \$1.00 per acre-foot for the first six acre-feet of additional water per acre, and thereafter at the rate of \$3.00 per acre-foot.
- (b) Lands for which water service requested from July 1, 1955, through October 31, 1955—(i) Old lands. For lands irrigated with project water prior to November 1, 1954, for which water is requested from July 1, 1955, to October 31, 1955, both inclusive, the minimum charge shall be \$5.75 per acre for each acre of land for which water is requested during 1955, payment of which will entitle the applicant to two acre-feet of water per acre. Additional water will be furnished at the rate of \$3.00 per acre-foot for those lands designated as "Valley" lands on Drawing No. 50–303-5071 mentioned above, and for those lands designated as "Mesa" lands on said drawing at the rate of \$1.00 per acre-foot for the first three acre-feet of additional water per acre, and thereafter at the rate of \$3.00 per acre-foot.
- (ii) New lands. For lands not irrigated with project water prior to November 1, 1954, for which water is requested from July 1, 1955, to October 31, 1955, both inclusive, the minimum charge shall be \$5.75 per acre for each acre of land for which water is requested during 1955, payment of which will entitle the applicant to three acre-feet of water per acre. Additional water will be furnished at the rate of \$3.00 per acre-foot for those lands designated as "Valley" lands on Drawing No. 50-303-5071 mentioned above, and for those lands designated as "Mesa" lands on said drawing at the rate of \$1.00 per acre-foot for the first three acre-feet of additional water per acre, and thereafter at the rate of \$3.00 per acre-foot.

(c) Lands for which water service requested on or-after November 1, 1955—
(i) Old lands or new lands. There will be a charge of \$3.00 per acre-foot for the first acre-foot of water ordered per acre. Additional water will be furnished at the rate of \$3.00 per acre-foot for those lands designated as "Valley" on Drawing No. 50-303-5071 mentioned above, and for those lands designated as "Mesa" lands on said drawing at the rate of \$1.00 per acre-foot for the first three acre-feet of additional water per acre, and thereafter at the rate of \$3.00 per acre-foot.

(d) Leaching water for new Class 4 lands. Applicants for water on lands designated as Class 4 on Drawing No. 50-303-5071 mentioned above may receive up to 4 acre-feet of leaching water per acre on payment in advance of \$1.00 per acre-foot in addition to the payment of all other charges mentioned above, provided that leaching water will be supplied only prior to planting of the first crop ever to be irrigated with project water. No minimum payment will be required to purchase leaching water after November 1, 1955.

(e) Credits at end of calendar year The only credit which will be given for unused "leaching" or "additional" water purchased during calendar year 1955 will be a credit equivalent to the amount paid for such water unused prior to the end of calendar year 1955, which will be applied against the minimum charges for water during calendar year 1956. No credit will be given for water purchased during calendar year 1955 at the minimum charge but unused at the end of calendar year 1955.

(f) Provision to make minimum payments in two installments. If applicant so requests, one-half of minimum charges mentioned in paragraph 2 (a) may be paid on January 1, 1955, or at such time prior to July 1, 1955, as the Application for Irrigation Water may be filed, which, upon approval, shall entitle the applicant to one-half the allotment of water as set forth in subparagraphs 2 (a) (i) and (ii) above. The balance of said minimum charges shall be paid on July 1, 1955, or at such time as applicant requires more than one-half of such allotment of water, whichever is sooner, and payment thereof shall entitle the applicant to the remaining onehalf of such allotment.

3. Application for irrigation water for the above lands may be made by the landowner or purchaser or by anyone who presents written evidence satisfactory to the Chief, Operations Division, Yuma Projects Office, that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner or purchaser to make a water application for such land.

- 4. Water applications and the payment required thereunder will be received at the Airbase Office of the Bureau of Reclamation, Yuma Projects Office, Yuma, Arizona.
- 5. Application for water for lands in the Wellton-Mohawk Division which have been included in Irrigation Blocks 1 or 2 as established by authority of the

Secretary of the Interior should be made to Wellton-Mohawk Irrigation and Drainage District, Welton, Arizona.

W H. TAYLOR,
Acting Regional Director

[F. R. Doc. 54-9577; Filed, Dec. 31, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U.S.C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F R. 3326)

Emily Dress Company, 21 Dundoff Street, Carbondale, Pa., effective 12-9-54 to 12-8-55; 5 learners for normal labor turnover purposes (dresses)

J. Freezer & Son, Inc., Rural Retreat, Va., effective 12-23-54 to 12-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

A. Morganstern & Company, 900 William Street, Fredericksburg, Va., effective 12-18-54 to 12-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers)

N & W Industries, Inc., 736 South President Street, Jackson, Miss., effective 1-5-56 to 1-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, coats, etc.).

Over The Top, Inc., Pleayune, Miss., effective 12-20-54 to 12-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladles' shirts and dungarees)

Shamrock Manufacturing Corp., Building No. 9, Municipal Airport, Daytona Beach, Fla., effective 12-6-54 to 12-5-55; 10 learners for normal labor turnover purposes (robes and blouses).

Shamrock Manufacturing Corp., Building No. 9, Municipal Airport, Daytona Beach, Fla., effective 12-6-54 to 6-5-55; 10 learners for plant expansion purposes (robes and blouses).

Stahl-Urban Co., Brookhaven, Miss., effective 12-19-54 to 12-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' work trousers, etc.)

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn., effective 1-2-55 to 1-1-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants)

W. E. Stephens Manufacturing Co., Inc.,

Watertown, Tenn., effective 12-19-54 to 12-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the learner wage rates are indicated respectively.

Bra-Glo Manufacturing Co. Inc., 65th Inf. Avenue, Carolina, P R., effective 12-1-54 to 5-31-55; to employ not in excess of 20 persons as learners in any one work day in accordance with the following items; sewing machine operators, 240 hours at 45 cents an hour and 240 hours at 50 cents an hour (brassieres).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the Federal Register pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 13th day of December 1954.

MILTON BROOKE,
Authorized Representative
of the Administrator

[F R. Doc. 54-10423; Filed, Dec. 31, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11141, 11142; FCC 54M-1540]

THEODORE FEINSTEIN AND SHERWOOD J. TARLOW

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER

In re applications of Theodore Feinstein, Newburyport, Massachusetts, Docket No. 11141, File No. BP-9027 Sherwood J. Tarlow, Newburyport, Massachusetts, Docket No. 11142, File No. BP-9120; for construction permits.

1. The first pre-hearing conference was held herein on December 21, 1954, and all parties were represented by counsel. Counsel for applicant Tarlow indicated at the outset that Tarlow ex-

pected to petition to dismiss his application and to forego further participation in the proceeding.¹

2. The following agreements were reached among the remaining parties and are found to be acceptable and approved by the Hearing Examiner.

(a) The hearing now scheduled for February 10, 1955, will be continued until February 21, 1955, at 9:00 a. m.

(b) Not later than February 10, 1955, Feinstein will serve parties with a copy of an exhibit containing his engineering proposals looking toward stipulation and agreement as to the accuracy thereof. If agreement can be reached as to the accuracy of the exhibit, it is understood there will be no need for further conferences; the hearing may be held on February 21, 1955, at 9:00 a. m., and the exchanging of any other material by the applicant prior to hearing is waived. The aforesaid engineering exhibit will constitute applicant's entire direct case, assuming the Tarlow application is dismissed and the comparative issues become moot. If a stipulation is reached, it will be unnecessary for counsel for respondents to be physically present at the hearing.

(c) In the event a stipulation is not reached by February 21, 1955, Feinstein will move to postpone the hearing date in order that further pre-hearing procedures may be arranged.

It is ordered, This 23d day of December 1954, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

It is further ordered, That the hearing, now scheduled for February 10, 1955, is continued until February 21, 1955, at 9:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS

[SEAL] MARY JANE MORRIS, Secretary.

[F R. Doc. 54-10447; Filed, Dec. 31, 1954; 8:51, a. m.]

[Docket No. 11146; FCC 54M-1541]

BLACKHAWK BROADCASTING Co., INC. (WSDR)

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER

In re application of Blackhawk Broadcasting Company, Inc. (WSDR) Sterling, Illinois, Docket No. 11146, File No. BP-9258; for construction permit.

1. The first pre-hearing conference was held herein on December 16, 1954, and all parties were represented by counsel except Emil Denemark, Inc., licensee of Station WEDC, Chicago, Illinois and C. R. White and J. A. White, a partnership doing business as WCRW licensee of Station WCRW Chicago, Illinois. No appearance was entered on behalf of the two last-mentioned companies, and no written appearance has been filed for either company pursuant

to § 1.387 (b) (4) of the Commission's rules. Accordingly these two companies appear to have forfeited their hearing rights and are hereby held to be in default.

2. The following agreements were reached among the parties and are found to be acceptable and approved by the Hearing Examiner.

(a) The applicant's direct case, in written form, shall be prepared as follows:

(1) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

(2) All narrative statements shall be prepared in double-spaced form. Each page and each line shall be numbered. Carbon copies shall not be acceptable.

(3) Parties shall be designated by abbreviated names, as follows: WSDR, WSBC, WTAX, WIBU, WEDC, WCRW and Commission Counsel.

(4) Applicant shall mark each of its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with 1. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "WSDR No. 1-A."

(b) On or before February 3, 1955, applicant will provide all parties with a full set of exhibits to be offered as its direct case.

(c) Pre-hearing conference for purposes of § 1.841 (c) of the Commission's rules will be held on February 11, 1955, at 10:00 a.m.

It is ordered, This 23d day of December 1954, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

Federal Communications
Commission,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 54-10448; Filed, Dec. 31, 1954; 8:51 a. m.]

[Docket No. 11241; FCC 54-1570]

CUMBERLAND VALLEY BROADCASTING CO., INC. (WBMC)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Cumberland Valley Broadcasting Company, Inc. (WBMC) McMinnville, Tennessee for construction permit, Docket No. 11241, File No. BP-9445.

1. The Commission has before it protests filed on November 24 and December 2, 1954, by the Williamson County Broadcasting Company, Inc. (hereinafter referred to as WAGG) licensee of Station WAGG, Franklin, Tennessee, (950 kc, 1000 watts, daytime only) and the McMinnville Broadcasting Company, Inc. (hereinafter referred to as WMMT), licensee of Station WMMT, McMinnville, Tennessee (1230 kilocycles, 250 watts, unlimited time), respectively, pursuant

to sections 309 (c) and 405 of the Communications Act of 1934, as amended, protesting the Commission's action of November 3, 1954, granting without hearing the above-entitled application of the Cumberland Valley Broadcasting Company, Inc. for a new standard broadcast station (WBMC) to operate on 960 kilocycles with a power of 500 watts, daytime only, at McMinnville, Tennessee; and oppositions to the said protests filed by WBMC on December 13 and 14, 1954, and an answer to the opposition filed by WMMT on December 21, 1954.

2. With its protest, WAGG submitted an engineering affidavit to show that the station authorized in the Commission's action in question would cause objectionable interference to the present operation of WAGG. The engineering affidavit included adequate field strength measurements on the WAGG signal on the path between Franklin and McMinnville, Tennessee, in which it is shown that the effective soil conductivity is 5 millimhos per meter instead of 4 millimhos per meter as indicated in Figure M-3 of the Standards. Using the measured value of soil conductivity in locating the WAGG 0.5 mv/m contour and the Figure M-3 value of soil conductivity in locating WBMC's 0.5 mv/m contour, an overlap of 6.7 miles is indicated by the WAGG protest with a resultant loss to WAGG of 69 square miles or 1,870 people within its normally protected 0.5 my/m contour. The Commission concurs in the conclusion reached by Station WAGG that it would receive more interference than is indicated on the basis of Figure M-3 alone and that the interference is essentially as WAGG has indicated above. In its opposition, WBMC contends that this interference falls entirely in an area where WAGG is already subject to interference from Station WGTA, Summerville, Georgia.. The Commission's study of the matter indicates that only part of this area is already subject to interference from Station WGTA and that the remaining part would constitute new interference to WAGG. WBMC also contends that the WAGG protest does not meet the statutory requirements of section 309 (c) because it is not under oath because the jurat applies to the statement of service and not to the signature of the president of the corporate protestant. It is unnecessary to pass on this contention because the WAGG protest is proper and sufficient under section 405 of the Communications Act.

3. In support of its protest, WMMT contends that it will suffer economic injury as a result of the Commission's action; that the potential advertising revenue in McMinnville is limited, and that it is improbable that a second station can derive revenue from the area without decreasing that now flowing to the protestant's station. In light of this showing and the fact that the protestant is licensee of Station WMMT, McMinnville, Tennessee; that the protestant derives operating revenue from the Mc-Minnville area; that the grant herein protested establishes the second standard broadcast station in McMinnville in direct competition with WMMT; and

¹Petition for leave to dismiss was filed by Tarlow on December 21, 1954.

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that protestant has alleged that it has been and will continue to be financially injured by the grant complained of, it is the Commission's opinion that WMMT is a "party in interest" within the meaning of section 309 (c) of the Communications Act.

4. WMMT has specified the following issues on which it asks for an oppor-

tunity to present evidence:

a. To determine whether the McMinnville, Tennessee, market will provide adequate revenue to the proposed station so as to permit the applicant to adequately operate in the public service.

b. To determine whether there is adequate advertising potential and possibilities in the McMinnville market as may indicate that the existing and the proposed station will both fail for lack of financial support with the result that the portion of the listening public may be left without adequate local radio

c. To determine whether the applicant is financially qualified to construct and

operate the proposed station.

d. To determine whether the applicant possesses the basic knowledge, character and qualifications necessary to permit it to be the licensee of the proposed station.

e. To determine whether, considering the above issues, the grant of the application would serve the public interest,

convenience and necessity.

- 5. Issues 1 and 2 as specified by WMMT relate to economic injury. These issues, designed to show that the public interest would suffer by the establishment of a second station in McMinnville, Tennessee, in all likelihood, are not pertinent because of considerations already set out by the Commission in re Voice of Cull-man, 6 RR (1950) 1 However, the Commission recently in a very similar case, in re application of J. A. Gallimore tr/as Radio Cleveland (WCLE) 11 RR 348, decided to afford a protestant the opportunity to present evidence bearing on the competitive aspects of a second station in a small market "pending further consideration of the general problem" raised by protestants seeking hearing issues on the competitive aspects of new stations. Therefore, the Commission will not exclude Issues 1 and 2 in the instant case. However, these two issues are not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.
- 6. With respect to Issue 3 WMMT cites the fact that WBMC's estimated total cost of construction is \$19,050, including \$2,000 for leasing and remodeling of studios and \$2,000 for acquiring or constructing buildings. Cost of acquiring land is listed as \$35 monthly rental. WMMT contends that there is no certainty that WBMC can construct its

proposed station for the amount estimated since no contracts for the items of studios, buildings and land have been submitted with the WBMC application. WMMT further contends that since no disclosure is made in WBMC's application of legal, engineering and organizational-expenses incurred in the prosecution of its application and amendment to specify 960 instead of 580 kilocycles. the \$30,000 WBMC shows on deposit from issue of the total number of 250 authorized shares of stock at a stated. value of \$120.00 per share does not represent WBMC's true net worth. WMMT further contends that a purported letter of credit from the City Bank and Trust Company of McMinville is merely a statement that the bank is in a position to make a loan in accordance with State and United States banking laws. WMMT concludes that on the above facts the Commission cannot make a finding that WBMC is financially qualified. The Commission is of the opinion that the facts here relied upon by WMMT do not show that the Commission erred in finding WBMC financially qualified. While WBMC has not submitted contractual agreement for studios, buildings and land, its estimated costs therefor were submitted under oath and are reasonable. Moreover, taking into consideration whatever legal engineering and organizational expenses WBMC has incurred in the prosecution of its application, the \$30,000 capitalization and deposit of WBMC appears more than adequate to finance the construction and early operation of the proposed station. Whether the above-described letter from the City Bank and Trust Company of McMinneville is a bona fide letter of credit appears moot. In the Commission's opinion WMMT has failed to state with particularity sufficient facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the aboveentitled application for hearing upon the issue of whether the applicant is financially qualified. Accordingly, the said issue is not being adopted by the Commission, and the burden of proof thereon will be on WMMT.

7. With respect to issue 4 WMMT advances merely conclusionary arguments that an overall consideration of WBMC's application for construction permit shows the Cumberland Valley Broadcasting Company to be wholly unfamiliar with numerous factors which go to make up the proper operation of a standard broadcast station and that it is impossible to operate the station as proposed on the estimated budget and the proposed In the Commission's opinion WMMT has failed to state with particularity sufficient facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the above-entitled application for hearing upon the issue of whether the applicant possesses the basic knowledge, character and qualifications necessary to permit it to be the licensee of the proposed station. Accordingly, the said issue is not being adopted by the Commission and the burden of proof thereon will be on WMMT.

- 8. In view of the foregoing: It is ordered, That, the subject protest of Station WAGG requesting reconsideration of the Commission's action of November 3, 1954 is granted; that, insofar as the subject protest of Station WMMT requests reconsideration of the Commission's action of November 3, 1954, it is denied, except with respect to the hearing provided for below that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C. on the following issues:
- 1. To determine whether the operation of the station proposed by Cumberland Valley Broadcasting Company, Inc. would involve objectionable interference with Station WAGG, Franklin, Tennessee, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.
- 2. To determine whether the McMinnville. Tennessee market will provide adequate revenue to the proposed station as to permit the applicant to adequately operate in the public interest.
- 3. To determine whether there is adequate advertising potential and possibilities in the McMinnville market as may indicate that the existing and the proposed station will both fail for lack of financial support with the result that the portion of the listening public may be left without adequate local radio service.
- 4. To determine whether the applicant is financially qualified to construct and operate the proposed station.
- 5. To determine whether the applicant possesses the basic knowledge, character and qualifications necessary to permit it to be the licensee of the proposed station.
- 6. To determine, in light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of November 3, 1954 granting the above-entitled application should be vacated.

The burden of proof as to Issues 2, 3, 4 and 5 is placed on the McMinnville Broadcasting Company Inc. The burden of proof on Issue 1 is placed on the Cumberland Valley Broadcasting Com-

pany Inc.
9. It is further ordered, That the Williamson County Broadcasting Company Inc., the McMinville Broadcasting Company, Inc., and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on February 7, 1955, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

¹ See also in re Van Curler Broadcasting Corporation, 11 RR 215 where the Commission stated "There is a grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community."

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than January 24, 1955.

Adopted. December 22, 1954. Released. December 28, 1954.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F R. Doc. 54-10449; Filed, Dec. 31, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2171]

CITY OF SEWARD, ALASKA

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 27, 1954.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S. C. 791a-825r) by the City of Seward, Territory of Alaska, for preliminary permit for proposed Project No. 2171 to be located on Crescent and Carter Lakes, about 40 miles north of Seward, in Kenai Peninsula, Third Judicial Division, Alaska, and affecting lands of the United States within the Chugach National Forest. The project would consist of a low dam across the outlet of Crescent Lake raising and backing water up into Carter Lake; a channel cut between the upper end of Crescent Lake and Carter Lake; a low dam and intake at the outlet of Carter Lake: 5000 feet of pipeline and penstock; and a powerhouse with initial installation of 4500 horsepower (ultimate 14,000 horsepower) on the outlet of Carter Lake about 3000 feet from its junction with upper Trail Lake.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is February 7, 1955. The application is on file with the Commission much process.

sion for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 54-10442; Filed, Dec. 31, 1954; 8:49 a. m.]

[Docket Nos. G-2450, G-2451, G-5475, G-5476]

United Fuel Gas Co. and Central Kentucky, Natural Gas Co.

ORDER DENYING MOTION TO DISMISS AND FIXING DATE FOR RECONVENING HEARING

In the matters of United Fuel Gas Company Docket Nos. G-2451, G-5475; and Central Kentucky Natural Gas Company Docket Nos. G-2450, G-5476.

Consolidated hearings in Docket Nos. G-2450 and G-2451 were held on December 1 and 2, 1954, on the limited issue of the contract demand form of rate re-

quested by United Fuel Gas Company (United Fuel) and Central Kentucky Natural Gas Company (Central Kentucky) in their proposed tariffs for increased rates and charges filed May 12 and May 14, 1954, respectively. At such hearings the applicant companies presented their testimony evidence and exhibits purporting to show the necessity and reasonableness of their proposed contract demand form of rate.

Following the presentation by United Fuel and Central Kentucky of their direct case on this limited issue, Portsmouth Gas Company intervener, moved on the record that the Commission reject United Fuel's proposed tariff, dismiss the proceeding insofar as it related to rate form and direct United Fuel to file tariff sheets revised so as not to be inconsistent with the Commission's determination on rate form in its Opinions Nos. 258 and 258—A.

Joint motion was also made on the record by Cincinnati Gas and Electric Company Union Light, Heat and Power Company and City of Cincinnati, interveners, that the Commission finally determine the proceeding as to form of rate by requiring United Fuel and Central Kentucky to file rate schedules consistent with Opinions Nos. 258 and 258—A and the form of rate approved by the Commission for Central Kentucky in Docket No. G-2276.

In addition, Washington Gas Light Company, intervener, moved on the record that the issue of form of rate in these proceedings be deferred and that these proceedings be further consolidated with the presently pending matter in Docket No. G-2452, In the Matter of Atlantic Seaboard Corporation and that action on the issue of form of rate be deferred until opportunity is given in such consolidated proceeding for introduction of evidence on the questions of allocation of a portion of United Fuel's underground storage facilities to Atlantic Seaboard Corporation and the equity of distribution of cost of additional supply of natural gas being delivered to United Fuel by Gulf Interstate Gas Co.

Dayton Power and Light Company and Commission Staff Counsel orally stated their support of the motions of Portsmouth and Cincinnati, and Dayton filed a brief thereon on December 15, 1954.

On December 6, 1954, counsel for 15 Kentucky communities, interveners in these proceedings, filed a motion for a Commission order dismissing the contract demand form of rate requested by United Fuel and Central Kentucky, or in the alternative, for consolidation of this issue with the other issues raised by the proposed increased rates filed by United Fuel and Central Kentucky.

Answer and opposition to each of the motions was filed by United Fuel and Central Kentucky on December 13, 1954. Upon consideration of these motions, the briefs and responses thereto and the record which has been certified, we are unable to make any finding as to the proper rate form which should be observed and maintained by United Fuel and Central Kentucky. The doctrine of res adjudicata has no application and we can only determine the relevant mat-

ters and issues involved under the circumstances in this case when we have a complete record before us.

The Commission, therefore, finds:

(1) Good cause has not been shown at this stage of the proceedings for granting of any motion respecting the contract demand form of rate proposed by United Fuel and Central Kentucky in their tariffs filed May 12 and May 14, 1954, respectively

(2) Each of the aforementioned motions should be denied without prejudice.

(3) Further hearing on the issue of form of rate in Docket Nos. G-2450 and G-2451 be held as hereinafter provided and that hearing be consolidated with that same issue in Docket Nos. G-5475 and G-5476 as provided by the Commission's orders in those latter dockets issued December 3, 1954.

The Commission orders:

(A) Each of the aforementioned motions respecting the contract demand form of rate proposed by United Fuel and Central Kentucky in Docket Nos. G-2450 and G-2451, be and they hereby are demed without prejudice.

(B) Consolidated public hearing on the issue of form of rate proposed by United Fuel and Central Kentucky in Docket Nos. G-2450, G-2451, G-5475 and G-5476 be reconvened on January 17, 1955, at 10:00 a. m., e. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: December 22, 1954.

Issued: December 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,

Secretary.

[F R. Doc. 54-10443; Filed, Dec. 31, 1954; 8:50 a. m.]

[Docket Nos. G-4185 and G-2367]

TRANSCONTINENTAL GAS PIPE LINE CORP

ORDER FURTHER CONSOLIDATING PROCEEDINGS

By notice dated December 21, 1954, a public hearing is scheduled to commence on January 17, 1954, concerning the matters involved and the issues presented by the application of Transcontinental Gas Pipe Line Corporation (Transcontinental) in Docket No. G-4185.

In its Opinion No. 279, issued this date (In the Matters of Iroquois Gas Corporation, et al., Dockets Nos. G-2310, et al.), the Commission, among other things, authorized the construction of certain facilities and additional sales of natural gas by Transcontinental under Docket No. G-2367. However, as to all other matters involved in Docket No. G-2367 in that proceeding. (i. e., the requirements of the Transcontinental southern customers, the facilities necessary to serve such requirements, and the gas reserves of Transcontinental available to supply that service and its other gas service) Opinion No. 279 deferred decision and determined that such remaining portions of Docket No. G-2367 should be consolidated with Docket No. G-4185 for the purpose of hearing and decision.

12 NOTICES

The Commission finds: Good cause exists and it is in the public interest to consolidate that portion of Docket No. G-2367 which was not disposed of in Opinion No. 279, issued this date, with Docket No. G-4185 for the purpose of hearing and decision.

The Commission orders: That portion of Docket No. G-2367 which was not disposed of in Opinion No. 279, issued this date, namely, the requirements of those G-2367 interveners for whom no allocation of natural gas was made in that order, the facilities necessary to serve such requirements, and the gas reserves of Transcontinental available to supply that service and its other gas service, be and the same hereby is consolidated with Docket No. G-4185 for the purpose of hearing and decision.

Adopted. December 22, 1954.

Issued. December 28, 1954.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 54-10444; Filed, Dec. 31, 1954; 8:50 a. m.]

GENERAL SERVICES ADMIN-ISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE
CONTRACTS FOR SERVICES OF ENGINEERING
AND ARCHITECTURAL FIRMS

- 1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, hereinafter called the act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of engineering and architectural firms when such services are incident to the activities and programs of the Bureau of Indian Affairs.
- 2. This authority shall be exercised strictly in accordance with Title III of the act.
- 3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.
- 4. This delegation of authority shall be effective immediately.

Dated: December 28, 1954.

EDMUND F MANSURE, Administrator

[F. R. Doc. 54-10453; Filed, Dec. 31, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-845]

INTERNATIONAL DAIRIES, INC.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

I. International Dairies, Inc., incorporated under the laws of the State of Florida, having filed with the Commission on November 22, 1954, a Notification on

Form 1-A relating to a proposed public offering of 300,000 shares of its Class B non-voting common stock, \$1 par value, at \$1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letter dated November 22, 1954, that said Notification and the offering circular filed as part thereof did not appear to comply with the terms and conditions of Regulation A, and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the Notification, and the offering circular filed as part thereof contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

- 1. The statement in the second and third paragraphs on page 1 of the offering circular that the milk canned by the process for which the issuer claims a franchise from North American Milk Industries, Inc. "retains its original flavor, texture, color and quality for periods up to six months without refrigeration".
- 2. The statement in the fourth paragraph on page 3 of the offering circular that "company surveys show that a vast gigantic market exists" for the issuer's product;
- 3. The statement on page 3 of the offering circular that the "U. S. Armed Forces have evidenced considerable interest in the Company's product"
- 4. The statements on page 4 of the offering circular that the issuer has "the sole and exclusive franchise of a process for processing whole, fresh, canned milk" and that "the Company has negotiated an exclusive franchise agreement with North American Milk Industries, Inc. for the use of the latter's process in sterilizing and canning whole fresh milk".
- 5. The statements in Items 3 and 4 of the Notification that the issuer has no predecessors or affiliates and on page 4 of the offering circular that "the Company has no connection, financially or through stock ownership or in any manner whatever with any other company" except through the said franchise;
- 6. The failure to describe the properties to be operated, affiliations, transactions among the issuer, its officers, directors and promoters, and the experience of North American Milk Industries, Inc. with said process;
- 7. The failure to disclose the nature of the alleged development costs of \$33,466.87 shown on the balance sheet dated October 10, 1954, by whom and in what manner they were paid, and the manner in which they benefited the issuer or others;
- 8. The failure to reflect correctly in the financial statements filed as a part of the offering circular the financial con-

dition of the issuer as required by Rule 219 (c) (6) of Regulation A in that, among other things, the balance sheet dated October 10, 1954, falsely represents that the issuer has an asset of machinery in the amount of \$15,000;

9. The failure to furnish a statement of cash receipts and disbursements in the offering circular for the period of the issuer's existence pursuant to Rule 219 (c) (6) (B) of Regulation A.

B. That the use of said offering circular in connection with the offering of the issuer's securities would operate as a fraud or deceit upon purchasers of said securities

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, Washington 25, D. C., a written request for a hearing; that within 20 days after the receipt of such request. the Commission will, or at any time upon its own motion may set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon International Dairies, Inc., and James Allen Davis, II personally or by registered mail or confirmed telegraphic notice and shall be published in the Federal Register.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

[F R. Doc. 54-10427; Filed, Dec. 31, 1954; 8:46 a. m.]

[File No. 70-3324]

GENERAL PUBLIC UTILITIES CORP

ORDER REGARDING CAPITAL CONTRIBUTIONS
BY REGISTERED HOLDING COMPANY TO
PUBLIC-UTILITY SUBSIDIARY COMPANY

General Public Utilities Corporation ("GPU") a registered holding company has filed a declaration with this Commission pursuant to Section 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-45 promulgated thereunder with respect to the following proposed transactions:

GPU proposes to make cash capital contributions in an aggregate amount not to exceed \$1,000,000 to its publicutility subsidiary Northern Pennsylvania Power Company ("North Penn") Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than April 30, 1955, as North

Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for such purposes. Proposals for the merger of North Penn into Pennsylvania Electric Company are pending before this Commission (General Public Utilities Corporation, et al., File No. 70–3050) In this connection, GPU stipulates and agrees that the favorable disposition of the instant declaration will not carry any implication, favorable or unfavorable, with respect to the disposition of the merger proceedings.

GPU represents that its expenses in connection with the proposed transactions will not exceed \$300, and the declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

GPU requests that the Commission's order herein be issued as early as feasible and that it become effective upon issuance.

Due notice of the filing of said declaration having been given pursuant to the requirements of Rule U-23 and no hearing having been requested of, or ordered by, the Commission, and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied, that the expenses, if they do not exceed the estimate, are not unreasonable and that said declaration should be permitted to become effective forthwith.

It is ordered, That said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 54-10428; Filed, Dec. 31, 1954; 8:47 a. m.]

[File No. 54-178]

United Light and Railways Co. et al.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

The Commission having by order issued January 10, 1950 approved a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, which plan provides for the liquidation of The United Light and Railways Company ("Railways") its subsidiary registered holding company Continental Gas & Electric Corporation ("Continental") its system service company The United Light and Railways Service Company ("Service Company") and the turn over to Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") a wholly-owned subsidiary of Railways, of all of the latter's assets remaining after the distributions and payments provided in the plan; and

The Commission having in said order reserved jurisdiction in respect of the fees and expenses incurred and to be incurred in connection with the plan and the consummation thereof; and

The Commission by order issued December 3, 1951 having approved and authorized the payment of requested fees and expenses in connection with the plan and the transactions contemplated thereby excepting the fees and expenses of counsel for Railways and Continental, in respect of which the record was incomplete; and the Commission thereafter by order issued October 13, 1952 having approved and authorized the payment of such counsel's fees of \$34,000 and expenses of \$1,751.28 to cover services to March 1, 1951, and said order having continued the reservation of jurisdiction in respect of further fees and expenses to be paid such counsel; and

Sidley, Austin, Burgess & Smith, counsel for Railways and Continental having filed a request for final allowance of fees of \$10,000 and expenses of \$968.23' for. services in connection with the plan and the consummation thereof between March 1, 1951 and April 15, 1953 on which last date a proceeding was instituted in the Delaware Court of Chancery for final dissolution of Railways and Continental; and counsel having filed in said proceeding their claim for said fees and expenses aggregating \$10,968.23, and having requested the Chancellor of said court to suspend allowance of said claim until clearance thereof by the Commission could be obtained; and

It appearing that the requested fees and expenses are for necessary services and are not unreasonable, and that Iowa-Illinois has no objection to the allowance of the claim; and the Commission deeming it appropriate to release the jurisdiction heretofore reserved in respect of such further fees and expenses, and that this order become effective upon its issuance:

It is ordered, That the jurisdiction heretofore reserved in the order of October 13, 1952 in respect of further fees and expenses of counsel for Railways and Continental be, and it is hereby released; and that this order become effective upon its issuance.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 54-10429; Filed, Dec. 31, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30059]

BITUMINOUS COAL FROM ALABAMA AND TENNESSEE TO KRANNERT AND YATES, GA.

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for Central of Georgia Railway Company and Louisville and Nashville Railroad Company.

Commodities involved: Bituminous coal, carloads.

From. Louisville and Nashville Railroad Mines in Alabama and Tennessee. To: Krannert and Yates, Ga.

Grounds for relief: Competition with rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. No. 1247, Supp. No. 24, Louisville and Nashville Railroad tariff I. C. C. No. A-16745, Supp. No. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10432; Filed, Dec. 31, 1954; 8:47 a. m.]

[4th Sec. Application 30060]

PIG IRON FROM ALABAMA AND TENNESSEE TO WATERBURY, CONN.

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1420.

Commodities involved: Pig iron and related articles, carloads.

From. Points in Alabama and Tennessee.

To: Waterbury Conn.

Grounds for relief; Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Agent Spaninger's I. C. C. No. 1420, Supp. No. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10433; Filed, Dec. 31, 1954; 8:47 a. m.l

[4th Sec. Application 30061]

BRICK FROM MISSOURI AND NEBRASKA TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3831.

Commodities involved: Brick, building or facing (solid, hollow or perforated) carloads.

From: Utica, Mo., and Nebraska City Nebr.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Agent Prueter's I. C. C. No. A-3831, Supp. No. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F. R. Doc. 54-10434; Filed, Dec. 31, 1954; 8:48 a. m.]

[4th Sec. Application 30062]

COMMODITY RATES FROM AND TO LEE TOWN, VA.

APPLICLATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for Norfolk and Western Railway Company and other carriers.

Commodities involved: All commodities, carload and less-than-carload.

Between: Lee Town, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuity, to maintain grouping, and new station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F. R. Doc. 54-10435; Filed, Dec. 31, 1954; 8:48 a. m.]

[4th Sec. Application 30063]

CARBON BI-SULPHIDE FROM OHIO AND WEST VIRGINIA TO LEXINGTON, KY.

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for The Baltimore and Ohio Railroad Company and other carriers, pursuant to fourthsection order No. 17220.

Commodities involved: Carbon bisulphide (carbon di-sulphide) in tankcar loads.

From: Points in Ohio and West Virginia.

To: Lexington, Ky.
Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

GEORGE W LAIRD, [SEAT.] Secretary.

[F R. Doc. 54-10436; Filed, Dec. 31, 1954; 8:48 a, m.]

[4th Sec. Application 30064]

COAL FROM KENTUCKY, VIRGINIA, AND WEST VIRGINIA TO EAST ST. LOUIS AND COCHEM, ILL.

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Roy S. Kern, Agent, for The New York Central Railroad Company and other carriers.

Commodities involved. Bituminous coal, carloads.

From: Mines in Kentucky Virginia, and West Virginia.

To East St. Louis and Cochem, Ill. Grounds for relief. Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: New York Central Railroad tariff I. C. C. No. 1206, Supp. No. 43; Norfolk and Western Railway tariff I. C. C. No. 3379-B, Supp. No. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10437; Filed, Dec. 31, 1954; 8:48 a, m.]

[4th Sec. Application 30065]

TANKAGE FROM ILLINOIS AND WISCONSIN TO FLORIDA

APPLICATION FOR RELIEF

DECEMBER 29. 1954.

The Commissioner is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 781, Agent C. W Boin's I. C. C. No. A-955.

Commodities involved: Dry tankage, other than digester or feeding, and dry sewage sludge, carloads.

From. Points in Illinois and Wisconsin.

To: Points in Florida.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: Agent C. W Boin's tariff I. C. C. No. A-955, Supp. No. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is

found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10438; Filed, Dec. 31, 1954; 8:49 a. m.]

[4th Sec. Application 30066]

CARBON DIOXIDE FROM KANSAS CITY TO IOWA

APPLICATION FOR RELIEF

DECEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to Chicago Great Western Railway Company's tariff I. C. C. No. 5620 and Wabash Railroad Company's tariffs Nos. 7608 and 7611, pursuant to fourth-section order No. 17220.

Commodities involved:

Carbon dioxide, solidified (dry ice) carloads.

From: Kansas City Mo.-Kans.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

SEALT

GEORGE W LAIRD, Secretary.

[F R. Doc. 54-10439; Filed, Dec. 31, 1954; 8:49 a. m.]

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